

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 BRUCE RUNYAN et al.,

11 Plaintiff,

12 v.

13 MTC TRANSPORTATION, INC.,

14 Defendants.  
15

CASE NO. C18-915 MJP

ORDER REMANDING CASE

16  
17 THIS MATTER comes before the Court on Plaintiffs' Motion for Class Certification  
18 (Dkt. No. 26). Having reviewed the Motion, the Response (Dkt. No. 47), the Reply (Dkt. No.  
19 56), and all related papers, the Court REMANDS this case to the King County Superior Court.

20 **Background**

21 Plaintiffs Bruce Runyan, Robert Sampson, and John Caleb Goss are former and current  
22 employees of Defendant trucking company MTC and its owner, Mark Clemons, who allege  
23 Defendants violated Washington employment laws by failing to properly compensate the  
24

1 Plaintiffs or provide adequate rest and meal breaks. (Dkt. No. 22, First Amended Complaint  
2 (“FAC”).)

3 On May 16, 2018, Plaintiffs filed a complaint in King County Superior Court alleging  
4 breach of contract, seven causes of action under Washington’s employment laws, and a single  
5 claim alleging that Defendants breached their fiduciary duties under the Employee Retirement  
6 Income Security Act (ERISA), 29 U.S.C. § 1001 et seq. (Dkt. No. 1, Ex. 2 (“Compl.”).) On  
7 June 21, 2018, Defendants removed the action to this Court, asserting that Plaintiffs’ ERISA  
8 claim grants this Court with federal question jurisdiction under 28 U.S.C. § 1441(c). (Dkt. No. 1  
9 at 3.) No other basis for federal jurisdiction was cited. (*Id.*) On August 16, 2019, Plaintiffs filed  
10 their First Amended Complaint (“FAC”), which eliminated the ERISA claim and exclusively  
11 concerns the breach of contract claim and six causes of action under Washington’s employment  
12 laws. (FAC, Claims I-VII.) The FAC does not include a federal cause of action. (*Id.*)

13 After Plaintiffs filed their amended complaint, they brought the instant motion for class  
14 certification. (Dkt. No. 26.)

### 15 Discussion

16 Because the Plaintiffs’ First Amended Complaint no longer contains federal claims or  
17 any other basis for federal jurisdiction, the question before the Court is whether “retaining  
18 jurisdiction over the case would be inappropriate.” *Carnegie-Mellon Univ. v. Cohill*, 484 U.S.  
19 343, 357 (1988); (*See* FAC.)

20 Under 28 U.S.C.A. § 1367(c), “[t]he district courts may decline to exercise supplemental  
21 jurisdiction over a claim under subsection (a) if—

22 (1) the claim raises a novel or complex issue of State law,

23 (2) the claim substantially predominates over the claim or claims over which the district  
24 court has original jurisdiction,

1 (3) the district court has dismissed all claims over which it has original jurisdiction, or

2 (4) in exceptional circumstances, there are other compelling reasons for declining  
3 jurisdiction.

4 In this case, there are only state law claims left, satisfying the second and third factors  
5 under 28 U.S.C.A. § 1367(c). Indeed, the amended complaint contains no remaining facts  
6 related to the sole federal claim alleged in the original complaint. (FAC at ¶¶ 5.1-5.27.) Where  
7 “all federal-law claims are eliminated before trial, the balance of factors . . . will point toward  
8 declining to exercise jurisdiction over the remaining state-law claims.” Carnegie-Mellon, 484  
9 U.S. at 350 n. 7; United Mine Workers of Am. v. Gibbs, 383 U.S. 715, 726 (1966) (“Certainly, if  
10 the federal claims are dismissed before trial, even though not insubstantial in a jurisdictional  
11 sense, the state claims should be dismissed as well.”); Acri v. Varian Assocs., Inc., 114 F.3d 999,  
12 1000 (9th Cir.), as amended (Oct. 1, 1997) (recognizing that “state law claims ‘should’ be  
13 dismissed if federal claims are dismissed before trial”).

14 Further, the Supreme Court has been explicit in its direction that “[n]eedless decisions of  
15 state law should be avoided both as a matter of comity and to promote justice between the  
16 parties, by procuring for them a surer-footed reading of applicable law.” United Mine Workers  
17 of Am. v. Gibbs, 383 U.S. 715, 726 (1966). This principal is especially applicable here, where  
18 the Parties ask the Court to interpret Washington statutes and administrative codes. (See, e.g.,  
19 FAC at ¶¶ 4.3p-aa). The Court therefore declines to exercise pendant jurisdiction over the state  
20 claims in this matter.

21 //

22 //

23 //

24 //

1 **Conclusion**

2 Because Plaintiffs' amended complaint does not contain any federal claims and the case  
3 remains in its early stages, the Court declines to exercise pendant jurisdiction over the remaining  
4 claims and REMANDS this case to the King County Superior Court.

5  
6 The clerk is ordered to provide copies of this order to all counsel.

7 Dated January 27, 2020.

8 

9 Marsha J. Pechman  
10 United States District Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24